

Review and Appeal Process

Purpose

This document sets out the Plan's practices and procedures for a review of a decision made by Plan staff and any appeal thereof through the Appeals Subcommittee of the Board of Trustees. Note that where applicable, Appeals Subcommittee refers to the members of the Subcommittee assigned to hear a particular appeal. These practices are subject to amendment by the Board at its sole discretion, provided that they remain consistent with legislation, the Sponsorship and Trust Agreement, the Plan Text, the Review and Appeal Policy and the Code of Conduct. Individuals requesting a review or appeal, as applicable, should confirm that they have the most current version of this process by obtaining it from the Plan's website at www.caatpension.on.ca.

Appeals Hearings

Any individual directly affected by a decision of Plan staff in the interpretation or application of the pension plan rules in respect of an entitlement he or she may have under the Plan can appeal all or part of that decision by written notice to the Appeals Subcommittee, in accordance with these practices and procedures. The appeals process has two steps, of which evaluation by the Appeals Subcommittee is the second step. To appeal a decision, individuals must complete the review step, and must provide complete documentation on all issues to the Subcommittee.

Review and Appeal Registration

The Vice President, Pension Management conducts the review step. This step consists of a full review of the *Request for Review* form and materials presented by the individual and any related laws, policies, procedures and other input gathered from Service Delivery staff or Pension Policy analysts. If the decision conveyed by Plan staff is upheld, the Vice President, Pension Management will ensure that the individual is aware that an appeal may be filed with the Appeals Subcommittee of the Board of Trustees.

The Board of Trustees has appointed the CEO and Plan Manager to administer the appeal process on its behalf. The *Request for Appeal* form and any related communications should be directed to the CEO and Plan Manager, who will ensure that all necessary materials are presented to the Board and that ongoing monitoring of issues is maintained. The *Request for Appeal* form and contact information for the CEO and Plan Manager are available on the Plan's website.

What Matters can be Appealed?

Any decision of Plan staff regarding the interpretation and application of the pension plan rules can be appealed following completion of the Review step.

Third Party/Legal Representation

Individuals may authorize another person, such as a lawyer, to initiate or pursue an appeal on their behalf. The *Authorization to Discuss and Disclose Information* form is available on the Plan's website. The form includes authorization granting the representative access to the individual's personal information.

Upon receipt of the Request for Appeal form, the CEO and Plan Manager will direct all correspondence related to the appeal to the named representative. Such authorization may be revoked by written notice to the CEO and Plan Manager. The individual is bound by all actions of the representative prior to a written revocation being received.

Process

1. All review and appeals materials must be directed to the following address, by regular or registered mail, or delivered in person:

CAAT Pension Plan
250 Yonge Street, Suite 2900,
P.O. Box 40,
Toronto ON M5B 2L7

or by fax at 416.673.9028. Email is not encouraged as it may not be secure.

2. Under Article 7.06 (g) of the Sponsorship and Trust Agreement, a two-step review process is established as follows in respect of an individual who has disagreed with an interpretation or application of Plan provisions as has been made in respect of such individual by Plan staff:

Step 1 - Administrative review by the Vice President, Pension Management, CAAT Pension Plan

Step 2 – Appeal to the Appeals Subcommittee of the Board of Trustees as established under article 5.15 of the Sponsorship and Trust Agreement.

The Appeals Subcommittee is an ad hoc committee composed of members of the Board of Trustees. The CEO and Plan Manager will be a standing non-voting member of the Appeals Subcommittee, will act as permanent secretary and will provide the Subcommittee with any needed professional and administrative support as requested by the Subcommittee. The CEO and Plan Manager can appoint a designate for this role, and cannot make or second any motions.

3. Information on the review and appeal process will be communicated to Plan members through the Plan's website, which will also include the necessary forms.
4. The Vice President, Pension Management for step 1 and the Appeals Subcommittee for step 2 must render a written decision.
5. Review and Appeals files will contain the individual's submissions and supporting material, copies of all relevant information or records from the individual's pension file, copies of all relevant information or records collected by Plan staff on the Board's behalf from any employer affected by the appeal, relevant legislative and procedural documents, and any review report(s) prepared by the CEO and Plan Manager.

Step 1: Administrative Review by the Vice President, Pension Management

The individual completes a *Request for Review* form and submits it to the Vice President, Pension Management with an explanation of the basis of the review and any additional clarifying or correcting information.

- 1.1 The form must be received within 60 days of the communication of Plan staff's original decision on the file.
- 1.2 The *Request for Review* form must include a detailed explanation of the objections to the decision and a description of any related errors or omissions, a statement of the facts supporting the request for review, and a statement of the relief sought. The form must be signed, and must include the written explanation received from the Plan, and an *Authorization to Disclose Information* form, if appropriate.
- 1.3 Within 60 days, the Vice President, Pension Management will review the submission and send the individual and any identified affected party a written explanation of the ruling. This communication will clearly address the basis of the administrative decision and its reasons. If appropriate, further information on an appeal to the Appeals Subcommittee will be included.

Step 2: Appeal to the Appeals Subcommittee of the Board

- 2.1 Within 60 days of receiving the report from the Vice President, Pension Management, the appellant submits a *Request for Appeal* form to the CEO and Plan Manager with an explanation of the basis of the appeal and any additional clarifying or correcting information. The appellant may also request an in-person hearing on the form. The decision to grant an in-person hearing remains solely the discretion of the Subcommittee. If the appellant does not meet the deadline, the Appeals Subcommittee may grant an extension of time to file a *Request for Appeal*. In this case the appellant must demonstrate by written application sufficient reason why the *Request for Appeal* was not filed on time.
- 2.2 The CEO and Plan Manager forwards the appellant's submission to the Appeals Subcommittee of the Board, which, if all appeals materials are in order, appoints two members, an employer representative and an employee representative, to hear the appeal. If appropriate, these two members meet prior to the hearing to determine if a request for an in-person hearing is to be granted.
- 2.3 Within 90 days of receiving the submission from the CEO and Plan Manager, the Appeals Subcommittee must collect and provide to all affected parties copies of all documents, information or records relevant to the subject matter of the appeal. If the Appeals Subcommittee reasonably believes that an employer may have within its possession or control relevant documents, information or records, it must write to the employer to request them. The Board of Trustees has the power to do this under Articles 7.06 (b), (d), and (h) of the CAAT Pension Plan Sponsorship and Trust Agreement. If documents are subsequently received from the employer, the Appeals Subcommittee must promptly provide copies to all affected parties.
- 2.4 Within 90 days of receiving the documents, the appellant must make any additional submissions to the CEO and Plan Manager. The CEO and Plan Manager will provide copies of the additional submissions to the Appeals Subcommittee.
- 2.5 Within 90 days of receiving additional submissions from the CEO and Plan Manager, or receiving advice that there are no additional submissions, the Appeals Subcommittee may indicate it wishes to comment on the submissions. If so, the Appeals Subcommittee will have 90

days to prepare a report and submit it to the CEO and Plan Manager. The CEO and Plan Manager will provide a copy of any report to the appellant and any other affected party.

- 2.6 The appellant will have 90 days from receipt of any report to reply to it. The CEO and Plan Manager will provide a copy of any such reply to the Appeals Subcommittee.
- 2.7 Unless the appeal is resolved at this point, the CEO and Plan Manager submits the file to the Appeals Subcommittee for decision.
- 2.8 The CEO and Plan Manager prepares the appeal file for consideration by the Appeals Subcommittee. This file will contain all submissions, explanations, decisions, and relevant legislative and procedural documents.
- 2.9 An appellant or the Appeals Subcommittee may request from the CEO and Plan Manager an extension of any time limit applicable to the appeal. Every such request must indicate the circumstances that necessitate an extension.
- 2.10 Under Article 5.15 of the Sponsorship and Trust Agreement, the Appeals Subcommittee has all the jurisdiction and may exercise the powers and perform the duties of the Board of Trustees.
- 2.11 The Appeals Subcommittee will confirm, vary or reverse the decision or ruling in question. If the two members of the Appeals Subcommittee hearing the appeal cannot agree, the appeal will be considered denied, and the case will be referred to the full Board of Trustees for an administrative review.
- 2.12 The Appeals Subcommittee will provide the appellant and any other affected party with a written decision within 90 days of the conclusion of an appeal. The written decision will set out its reasons, the relevant facts and evidence considered, and any legislation or Plan rules on which the Appeals Subcommittee relied.
- 2.13 There is no recourse within the Plan to review a decision of the Board of Trustees.

Withdrawing or Abandoning an Appeal

An appeal can be withdrawn at any time during the appeal process when the appellant provides a written and signed notice. The Appeals Subcommittee will then issue a discontinuance of proceedings to all parties, indicating that the appeal has been withdrawn and the record is closed.

If the appellant does not meet the deadlines for making submissions and does not make further contact with the Plan within a reasonable time period, the Appeals Subcommittee may also issue a discontinuance of proceedings to all parties, on the premise that the appeal has been abandoned.

Confidentiality

It is likely that documentation provided during the hearing will contain sensitive personal information pertaining to the appellant. The Board will return all confidential materials to the Plan administration office after deciding an appeal. One copy of the materials, together with the minutes and other records of the Appeals Subcommittee proceedings, will be kept on file. All other copies will be destroyed. Decisions made on appeals will be posted on Ironwood on a "no names" basis.